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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,592	02/23/2004	Chii-Ron Kuo	1291054	3200

7590 06/19/2006

PRO-TECHTOR INTERNATIONAL
20775 Norada Court
Saratoga, CA 95070-3018

EXAMINER

MACPHERSON, MEOGHAN E

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/785,592	Applicant(s) KUO ET AL.	
	Examiner Meaghan E. MacPherson	Art Unit 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment received on February 27, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on February 27, 2006.

Priority

2. Acknowledgement is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Taiwan on November 26, 2003. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings submitted February 23, 2004 have been accepted by the examiner.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 recites "and rear bearings and said." It is unclear to the examiner if ring-shaped channels are provided between the front and rear bearings only or if they are provided between the front and rear bearing and another element. For the purposes of this Office Action,

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it will be assumed that they are provided “between outer peripheries of said front and rear bearings.”

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1,3, and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Abbott et al (US Patent No. 6,270,345).

Abbott et al disclose a dental handpiece 100 comprising a casing 104 having an open front end, a rear end, an air inlet 203 near the front end, and an air outlet 207,202 near the rear end, a rear bearing 122 inside the casing close to the rear end, an air turbine having a turbine wheel 130 with a plurality of blades 170a, performing a rotational movement driven by compressed driving air, and an axial airflow pattern from the front end toward the rear end (col. 2, line 55-col. 3, line 1; col. 3, lines 5-15; col. 4, lines 33-44; col. 5, lines 1-30, 43-50, and 60-66; col. 6, lines 34-50; col. 7, lines 19-45; see Figures 1,2, and 6). Abbot et al also disclose a front bearing 144 inside the casing close to the front end, an axis 146, carrying the air turbine and the rear and front bearings, further having a front end with a central hole to receive a drill head 166 (col. 5, lines 1-30, 43-50, and 60-66; col. 6, lines 34-50; col. 7, lines 19-45; see Figures 1 and 2). Abbott et al disclose a front housing cap 164 attached to the open front end of the casing, having a seal 162 between the front housing cap and the casing and a central hole for passing the axis through the housing cap (see Figures 1 and 2). Abbott et al disclose that ring-shaped channels

are provided between outer peripheries of the front and rear bearings, and that the housing of the drill head incorporates the front housing cap (see Figures 1 and 2). Abbott et al also disclose that the air inlet is cut through the casing near the open front end, that the air outlet is cut through the casing near the rear end, that the air inlet reaches to a front ring-shaped channel between an outer periphery of front bearing and casing, and that the air outlet reaches to a rear ring-shaped channel between an outer periphery of front bearing and casing (see Figure 2). Abbot et al further disclose a sealing ring 120 is inserted between the drill head and the air outlet to prevent fluid or gas from the drill head to flow into the air outlet (col. 5, lines 1-30; see Figures 1 and 2).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al in view of Martinez'995. Abbott et al discloses the dental handpiece that shows the limitations as described above; however, Abbott et al does not disclose a deflector.

Martinez'995 teaches a deflector 17 placed in front of the wheel of a turbine 12 (col. 5, lines 33-37; see Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dental handpiece of Abbott et al to direct the air in an optimum manner over the blades of the turbine within the handpiece.

Regarding claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place deflectors behind and in front of the wheel of the

turbine, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Response to Arguments

11. Applicant's arguments with respect to claims 1,3,4,and 6-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

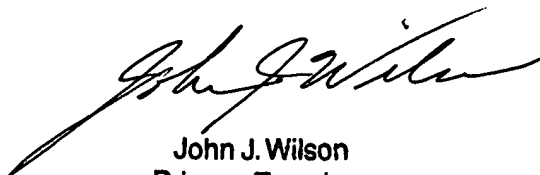
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meaghan E. MacPherson whose telephone number is (571)-272-5565. The examiner can normally be reached on Mon-Fri 9am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571)-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Meaghan E. MacPherson


John J. Wilson
Primary Examiner